

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROGER "ROCKY" ROSEMA,  Plaintiff,  v.  BERT BELL/PETE ROZELLE NFL RETIREMENT PLAN BENEFITS ADMINISTRATORS, et al,  Defendants.	Case No. 1:10-cv-00777-PLM  Hon. Paul L. Maloney
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**DEFENDANT'S UNOPPOSED EXPEDITED MOTION TO STRIKE AND WITHDRAW  
EXHIBIT (DOC #26-1 AND DOC #26-2) FROM THE ECF SYSTEM**

Defendant, Retirement Board of the Bert Bell/Pete Rozelle NFL Players Retirement Plan, by its counsel, Clark Hill PLC, hereby moves the Court to strike and otherwise withdraw from the electronic record in this case a certain exhibit ("Exhibit") identified in the filing as Doc #26-1 and Doc #26-2, to Defendant's Brief in Support of Its Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment, and in support states as follows:

1. Defendant filed its Motion for Summary Judgment on November 1, 2010.
2. In support of its motion, Defendant filed its Brief in Support, along with the Exhibit (identified as Doc #26-1 and Doc #26-2), all of which was electronically filed pursuant to W.D. Mich. L.Civ.R. 5.7.
3. In error, and not in compliance with W.D. Mich. L.Civ.R. 5.7(d)(ii)(C), the Exhibit constitutes the Administrative Record from certain ERISA proceedings which should not have been filed with the Court electronically.
4. Pursuant to W.D. Mich. L.Civ.R. 5.7(d)(ii)(C), the Exhibit should only have been filed in paper form.

5. Due to the error made while filing the referenced dispositive motion, Defendant now moves the Court, on an expedited basis, to remove the referenced exhibit from the electronic record.

6. Pursuant to W.D. Mich. L.Civ.R. 7.1(d), concurrence in the requested relief was sought and obtained from Plaintiff's counsel, James Acho, who has consented to the Exhibit being stricken and removed from the electronic record.

7. The instant motion is being filed on the same day that the incorrect filing was made as set forth above, and as soon as practicable after the error was identified to have occurred.

WHEREFORE, Defendant respectfully requests that Defendant's Exhibit to its Brief in Support of Its Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment (Doc #26-1 and Doc #26-2) be stricken and removed from the electronic record, and that the Court rely on the Exhibit being filed in paper form pursuant to W.D. Mich. L.Civ.R. 5.7(d)(ii)(C).

Dated: November 1, 2010

Clark Hill PLC

By: /s/ James L. Wernstrom  
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